IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 603 (SS) of 2007

Dileep Singh Negi,
S/o late Sri Jaikrit Singh Negi,
R/o Village – Gopeshwar,
Police Station – Gopeshwar,
District – Chamoli. **…….Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Animal Husbandry, Uttarakhand, Dehradun.
2. Deputy Director, Animal Husbandry Department, Garhwal Division, Pauri Garhwal.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand on behalf of the respondents.

Learned counsel for both he parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Certiorari, calling for the records and quashing the impugned order of suspension dated 19.05.2007 (Annexure no. 2 this writ petition) passed by Deputy Director, Animal husbandry Department, Garhwal Division, Pauri Garhwal – respondent no. 2.*

b. *Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

c. *Award the cost of writ petition to the petitioner.*

Vide order dated 19.05.2007, Deputy Director, Animal Husbandry, Garhwal Division, Pauri Garhwal, has placed the petitioner under suspension and attached him in the office of Chief Veterinary Officer, Narendra Nagar, Tehri, on the basis of charges which are serious in nature.

Learned counsel for the petitioner has submitted that charges levelled against the petitioner are without any basis. Neither there is any evidence against the petitioner towards the charges leveled in the suspension order, nor nay FIR has been lodged against petitioner. The suspension order was passed only on the basis of letter dated 04.05.2007 by which Superintendent of Police, Chamoli has sought permission from respondent no. 2 to submit chargesheet against the petitioner under section 353, 506 IPC. The charges leveled in the suspension order against the petitioner have no nexus with the letter dated 04.05.2007.

Learned counsel for the petitioner has submitted that order of attachment of petitioner, who is Class IV employee, from Gairsain to Narendra Nagar, Tehri is arbitrary.

I have perused the record. I do not find any arbitrariness in the impugned order. However, it is not clear from impugned order that whether these charges, which are very serious in nature, have been leveled against petitioner on the basis of any complaint or not?

In view of the above, I deem it fit and proper to direct the respondent no. 2 to conclude the inquiry and pass final order within a period of six weeks from the date of production of certified copy of this order. Petitioner is also directed to cooperate in the inquiry.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

June 7, 2007
SKSHARMA